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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,478	03/13/2001	Makoto Suzuki	1614.1135	8768
21171	7590	12/31/2003	EXAMINER JAMAL, ALEXANDER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2643	PAPER NUMBER 6
DATE MAILED: 12/31/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/804,478	SUZUKI, MAKOTO
	<b>Examiner</b>	<b>Art Unit</b>
	Alexander Jamal	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 3-13-01.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.  
4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1-4,6-12,14-16,18-20** rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al. (5642410).

a. **Claim 1:** Walsh discloses information terminal equipment (phone management system) comprising:

i. A managing part (application software) that manages functions and information in a manner linked to a plurality of using situations. The software will detect various parameters from the caller and manage the transfer of information to/from the caller (Col 5 line 57 to Col 6 line 11). The example describes multiple using situations (student grade data and charity contribution information).

ii. A switch usable by the caller to set a specific using situation (Col 9 lines 7-14). The ‘touch tone input keyed in by the caller’ is a switch by which the user may trigger a specific using situation.

iii. A control part (software) will automatically select the appropriate function and information depending on the using situation, and make the information

available to the user (Col 9 lines 42-53). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user.

- b. **Claim 2:** In Walsh's terminal, the switch (touch-tone input from the user Col 9 lines 7-14) may trigger various using situations (Col 5 line 57 to Col 6 line 11) such as student grade data (private) and charity contribution information (business).
- c. **Claim 3:** In Walsh's terminal the accounting destination is dependant upon which mode has been triggered by the caller. The example shown disclosed (Col 7 lines 35-55) describes the accounting (for example: storing and using the caller's number) used in both a business and private mode.
- d. **Claim 4:** Walsh's terminal comprises a display with a 'Windows' type operating system on a local or remote computer (Col 5 lines 62-65) upon which information of the selected function can be automatically displayed such that it may be used by the caller.
- e. **Claim 6:** Walsh discloses information terminal equipment (phone management system) comprising:

  - i. A managing part (application software) that manages functions and information in a manner linked to a plurality of using situations. The software will detect various parameters from the caller and manage the transfer of information to/from the caller (Col 5 line 57 to Col 6 line 11). The example describes multiple using situations (student grade data and charity contribution information).

- ii. A detector detects several pieces of information (example: caller's number) to set a specific using situation (Col 9 lines 7-14).
- iii. A control part (software) will automatically select the appropriate function and information depending on the using situation, and make the information available to the user (Col 9 lines 42-53). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user.

f. **Claim 7:** Walsh's system detects a using situation based upon information received from another party (calling party's number) (Col 9 lines 7-14).

g. **Claim 8:** Walsh's system detects a using situation based upon a telephone number received from another party (calling party's number) (Col 9 lines 7-14).

h. **Claims 9/10:** Walsh's system detects a using situation based upon a telephone number (information) transmitted to another party (dialed number) (Col 9 lines 7-14).

i. **Claim 11:** Walsh discloses a state machine that will detect a state (using situation) of a phone based upon the type of information transmitted and received (for example, the Ringing, or Answer states) (Col 11 line 25 to Col 12 line 45). Walsh discloses a telephone system that inherently comprises a transmitter part and a receiver part for the purpose of transmitting and receiving signaling and data.

j. **Claim 12:** Walsh's system detects a using situation based upon time information (time of day) (Col 9 lines 7-14).

- k. **Claim 14:** Walsh's system detects a using situation based upon a telephone number (information) transmitted to another party (dialed number) (Col 9 lines 7-14).
- l. **Claim 15:** In Walsh's terminal the accounting destination is dependant upon which mode has been triggered by the caller. The example shown disclosed (Col 7 lines 35-55) describes the accounting (for example: storing and using the caller's number) used in both a business and private mode.
- m. **Claim 16:** Walsh's terminal comprises a display with a 'Windows' type operating system on a local or remote computer (Col 5 lines 62-65) upon which information of the selected function can be automatically displayed such that it may be used by the caller.
- n. **Claim 18:** Walsh discloses information terminal equipment that includes a computer using a computer readable medium that stores a program comprising:
  - i. A managing means (application software) that manages functions and information in a manner linked to a plurality of using situations. The software will detect various parameters from the caller and manage the transfer of information to/from the caller (Col 5 line 57 to Col 6 line 11). The example describes multiple using situations (student grade data and charity contribution information).
  - ii. Controlling means to set a specific using situation (Col 9 lines 7-14) based upon a using situation set by a switch. The 'touch tone input keyed in by the caller' is a switch by which the user may trigger a specific using situation.

- iii. A control part (software) will automatically select the appropriate function and information depending on the using situation, and make the information available to the user (Col 9 lines 42-53). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user.

o. **Claim 19:** Walsh discloses information terminal equipment that includes a computer using a computer readable medium that stores a program comprising:

- i. A managing means (application software) that manages functions and information in a manner linked to a plurality of using situations. The software will detect various parameters from the caller and manage the transfer of information to/from the caller (Col 5 line 57 to Col 6 line 11). The example describes multiple using situations (student grade data and charity contribution information).
- ii. Detecting means to set a specific using situation (Col 9 lines 7-14) based upon the information detected (called number, time of day ect.).
- iii. A control part (software) will automatically select the appropriate function and information depending on the using situation, and make the information available to the user (Col 9 lines 42-53). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user.

p. **Claim 20:** Walsh's computer readable medium detects a using situation based upon a telephone number (information) transmitted to another party (dialed number) (Col 9 lines 7-14).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 5** rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (5642410) as applied to claim1 above, and further in view of Bijman (6047062).

a. **Claim 5:** Walsh discloses applicant's claim 1, but does not specify that the managing part automatically updates the data that depends upon the using situation and is not already included in the database.

Bijman teaches a method of automatically updating information stored in a database used in a telephone system (speed dialing system). He teaches the advantage of saving the user the trouble of manually updating the database (Col 1 lines 14-30) by having the phone system automatically add data (a new phone number) to the database. It would have been obvious to one of ordinary skill in the art at the time of this application to have the managing part automatically update the appropriate database for the advantage of saving the user the trouble of manually updating the database.

3. **Claim 13** rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (5642410) as applied to claim1 above, and further in view of Shaffer et al (6477374).

a. **Claim 13:** Walsh discloses applicant's claim 6, but does not specify that the terminal equipment detects the using situation based upon position information.

Shaffer teaches an information terminal (cellular phone) system that cross references a date and time with a user's location so that a call may be routed or forwarded (ie. a different using situation is setup) based upon a user's location (Col 2 line 45 to Col 3 line 7). He teaches the advantage that a user may be more easily tracked down even if he/she forgot to leave a forwarding number (Col 2 lines 23-43), as well as the advantage of more efficient call routing (Col 1 lines 44-55). It would have been obvious to one of ordinary skill in the art at the time of this application to detect a user's position in order to set the using state (call routing or forwarding) for the advantage of being able to more easily track down a user and being able to more efficiently route or handoff the call.

4. **Claim 17** rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (5642410) as applied to claim6 above, and further in view of Bijman (6047062).

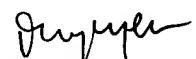
a. **Claim 17:** Walsh discloses applicant's claim 6, but does not specify that the managing part automatically updates the data that depends upon the using situation and is not already included in the database.

Bijman teaches a method of automatically updating information stored in a database used in a telephone system (speed dialing system). He teaches the advantage of saving the user the trouble of manually updating the database (Col 1 lines 14-30) by

having the phone system automatically add data (a new phone number) to the database. It would have been obvious to one of ordinary skill in the art at the time of this application to have the managing part automatically update the appropriate database for the advantage of saving the user the trouble of manually updating the database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

  
DUC NGUYEN  
PRIMARY EXAMINER

AJ  
December 24, 2003